



Date: August 13, 2024  
To: John Stanskas, Vice Chancellor of Academic Affairs  
Equitable Student Learning, Experience and Impact Office  
From: Fermin Villegas, Deputy Counsel  
Subject: **Implementation of AB 928 (Cal-GETC) Grading Standards**

You asked the following question:

Will the grading standards which are part of the single general education transfer pathway (“Cal-GETC”) developed by the Intersegmental Committee of the Academic Senates of the University of California, California State University, and the California Community Colleges (“ICAS”) pursuant to Assembly Bill (“AB”) 928 (Berman, 2021) supersede the grading standards contained in Education Code section 66746, beginning in the fall term of the 2025-2026 academic year?

Short Answer:

No, those standards will apply only to the courses required for the Cal-GETC transfer curriculum which replaces *only the general education curricula* specified in Education Code section 66746, subdivision (a)(1)(A). However, because subdivision (a)(2) of section 55062 of title 5 of the California Code of Regulations requires each course counted toward the major or area of emphasis for an associate degree, which includes associate degree for transfer (“ADT”), to also be completed with a grade of “C” or better, the grading standards in subdivision (a)(2) of Education Code section 66746, would effectively only apply to any remaining courses, such as electives, required to complete the 60 semester or 90 quarter unit requirement for an ADT.

#### A. Background

Senate Bill (“SB”) 1440 (Padilla, 2010) established the ADT program. Education Code section 66746, enacted as part of SB 1440, provided that any student earning an ADT “shall be deemed to be eligible for transfer into a California State University baccalaureate program...” (Educ. Code § 66746, subd. (a).) To earn the ADT, a student had to complete 60 semester or 90 quarter units eligible for transfer to the California State University, which had to include

either the Intersegmental General Education Transfer Curriculum (“IGETC”) or the California State University General Education-Breadth requirements *and* 18 semester or 27 quarter units in a major or area of emphasis. (Educ. Code § 66746, subd. (a)(1)(A), (B).) An ADT student also had to achieve a minimum grade point average of 2.0. (Educ. Code § 66746, subd. (a)(2).) Due to this statutory grading standard, a student could potentially receive a grade lower than a “C” (2.0 grade points) in a course and nevertheless earn the ADT so long as the student offset this grade sufficiently to bring their overall grade point average to at or above the required 2.0. The California Community Colleges Board of Governors’ regulations implementing the ADT program reflect this understanding by specifying that students must complete “the requirements of the associate degree with a minimum cumulative grade point average of 2.0 in degree-applicable courses.” (5 C.C.R. § 55062, subd. (a)(4).)

In an effort to facilitate the transfer of community college students into the California State University (“CSU”) and the University of California (“UC”), AB 928 (Berman 2021), among other things, required the ICAS to “establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission to both the California State University and the University of California.” (Educ. Code § 66749.8, subd. (i).) To fulfill this mandate, the ICAS developed the Cal-GETC Standards in 2023, most recently updated as Version 1.2. Of relevance to the question presented here, the Cal-GETC standards developed by ICAS require that a student obtain a “C” grade (a minimum of 2.0 grade points) *in each course* used for Cal-GETC certification. (Cal-GETC Standards, Version 1.2, section 8.1, p. 18)

Given the above, it appears that ICAS’s grading standard (“C” grade *in each course*) conflicts with the less stringent grading standards in Education Code section 66746 (minimum grade point average of 2.0 *overall*). Thus, to determine which grading standard would apply to the Cal-GETC pattern for ADTs, we must resolve this apparent conflict.

## B. Analysis

Generally, when two statutes appear to be in conflict, “the words of the statute must be construed in context, keeping in mind the statutory purpose, and statutes or statutory sections relating to the same subject must be harmonized, both internally and with each other, to the extent possible.” (*Grassi v. Superior Court* (2021) 73 Cal.App.5th 283, 291) In engaging in this exercise “all presumptions are against a repeal by implication,” (*Id.* at 307) that is, we generally avoid interpretations that would render the other statutory provision without effect unless no other reasonable interpretation were possible. Applying these concepts to the statutes in question, it appears that the two standards can reasonably coexist.

## 1. Current ADT Requirements

Section 66746 was enacted in 2011 as part of the Student Transfer Achievement Reform Act (SB 1440, Padilla) which created the ADT program. As mentioned above, at the time of enactment, section 66746 established the requirements to be met for a student earning an ADT to be eligible for transfer into the CSU *only*. First, a student must complete 60 semester units or 90 quarter units that are eligible for transfer to the CSU (Educ. Code § 66746, subd. (a)(1).) Second, the units must be passed with a minimum 2.0 grade point average. (Educ. Code § 66746, subd. (a)(2).) The overall unit requirement can be further broken down into two sub-requirements: (1) fulfillment of either the IGETC or the CSU General Education-Breadth Requirements; AND (2) completion of a minimum of 18 semester units or 27 quarter units in a major or area of emphasis. Left unstated in these requirements is that any other units used to fulfill the 60/90 unit requirement would be electives or other major courses.<sup>1</sup>

## 2. Effect of AB 928 on Section 66746

In adopting AB 928 the Legislature gave ICAS the broad mandate to develop “the singular lower division general education pathway that *meets the academic requirements* necessary for transfer admission to both the California State University *and the University of California*.” (Educ. Code § 66749.8, subd. (i)(1).) (emphasis added) Although not explicitly stated in AB 928, given the ADT-centered focus of the bill, it is relatively clear that the *singular* general education transfer pathway that ICAS was tasked with developing was intended to replace the *two* pathways currently listed as fulfilling the ADT general education requirements in subdivision (a)(1)(A) of section 66746. Moreover, because the Legislature clearly intended that this singular general education transfer pathway should also apply to the UC, the final Cal-GETC standards included the UC’s preference that students earn at least a “C” *in each course* used to fulfill the Cal-GETC requirements. Because the Legislature expressly delegated to ICAS the authority to develop the general education pathway that “*meets the academic requirements*” of both the CSU and UC, ICAS was within its authority to develop the “C” *in each course* grading standard for Cal-GETC courses.

## 3. Reconciling the Cal-GETC Grading Standards and Section 66746

At first blush, the Cal-GETC grading standard seemingly contradict the express mandate of Section 66746, subdivision (a)(2), which set the *overall* grading standard for all courses used to fulfill the requirements for an ADT at a 2.0 grade point *average*. When two provisions appear to be in conflict, we attempt to give them an interpretation that gives reasonable

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<sup>1</sup> For example, the Cal-GETC curriculum totals at least 34 semester units. Adding the 18 semester units required in the major or area of emphasis, totals 52 units. A student meeting these minimums would still need to take an additional 8 semester units in electives or other major courses to fulfill the 60-semester-unit requirement for the ADT.

effect to both provisions in light of the Legislature's intent in adopting them. Mindful of this principle and upon careful analysis, it becomes clear that the grading standards in section 66746 and AB 928 can be reconciled.

The language of AB 928 clearly implies that Cal-GETC was intended to replace the IGETC and CSU General Education-Breadth patterns currently listed in section 66746, subdivision (a)(1)(A). Because ICAS was only empowered to develop grading standards for Cal-GETC courses, those grading standards *do not* apply to the remaining courses that make up the ADT—the 18 semester or 27 quarter units in a major or area of emphasis and any additional elective courses.<sup>2</sup> Thus, while a student would have to earn a “C” grade or better in their Cal-GETC courses (and their major or area of emphasis course as explained in the footnote 2 below), that requirement *would not apply* to any remaining courses, such as electives, they took to meet the 60 semester or 90 quarter unit requirement necessary for the ADT. In other words, the overall 2.0 grade point average standard would apply to the student’s overall coursework, while the “C” in each class standard would apply only to the Cal-GETC (and major) courses. Thus, a hypothetical student who received a grade lower than a “C” in some elective courses, could obtain an overall 2.0 grade point average (as required by section 66746) if they obtained grades higher than a “C” in their Cal-GETC and major courses (as required by Cal-GETC standards and title 5, section 55062). Interpreting the provisions in this way, as complementary rather than in conflict, gives reasonable effect to the legislative intent and each grading standard while still giving effect to the existing statutory language.<sup>3</sup>

### C. Conclusion

As explained above, only the courses used to fulfill the Cal-GETC requirement will be subject to the Cal-GETC grading standards beginning in the fall term of the 2025-2026 academic year. Because the courses taken in the major or area of emphasis are subject to the grading standards in title 5, section 55062, the grading standard in section 66746, subdivision (a)(2) would apply only to any elective courses taken in fulfillment of the ADT unit requirement and to the student’s overall grade point average.

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<sup>2</sup> Although courses counting towards the major or area of emphasis must also be passed with a minimum of a “C” grade or better, this requirement is a regulatory one rather than a statutory one. (See 5 C.C.R. § 55062, subd. (a)(2).)

<sup>3</sup> Indeed, this should be no different than the currently applicable approach. The grading standards applicable to the Intersegmental General Education Transfer Curriculum (“IGETC”), also developed by ICAS, also require a minimum “C” grade in each course used for IGETC. (see [Standards, Policies & Procedures for Intersegmental General Education Transfer Curriculum, Version 1.1, section 9.1, p. 11.](#))